

**REMARKS**

Claims 1-17 are pending in the application.

Claims 1-9 and 13-15 are rejected under 35 USC 103(a) as being unpatentable over Thornton (US Patent No. 6,363,065) in view of Elliott (US Patent No. 6,614,781).

Elliott is directed to allowing a legacy system to communicate across a data network, where the data network is an external data network. An external data network is that which would be outside a private branch exchange (PBX). Further, Elliott discussed the encapsulation of Q.931 messages, but there is no indication that the Q.931 messages being encapsulated are for supplementary services. Indeed, referring to table 180 in Elliott, it appears that the Q.931 messages being translated into IPDC are related to the stand-alone services, not the supplementary services. There are two different types of messages, as discussed in the specification on page 1, lines 23 through page 2, line 2. Therefore, Elliott does not teach that locally significant messages are inserted into globally significant messages, as there is no teaching, suggestion or even a hint that the Q.931 messages are locally significant messages relating to supplementary services.

Thornton does not address supplementary services either. In the arguments related to the dependent claims, the office action points to Figure 18 to show that release and release complete messages are locally significant messages, and that disconnect is a globally significant message. The fact that Figure 18 shows that these messages are being based across the data network directly, with no termination of the messages on one side of a transit node and then being 'regenerated' on another side of the transit node indicates that these are not 'locally significant' messages as that term is defined in the specification. See the specification, page 1, lines 30-35. Further, in comparing Figure 18 of the Thornton reference to Figure 2 of the instant application, it can be seen that the transit node handles these locally significant messages, they are not sent directly across the network.

Further, with regard to Thornton, Thornton is directed to a gateway that interfaces with a PBX. Applicant's invention is directed to *replacing* a PBX with a data network, as an internal network. As amended, claims 1 and 13 require that the sending and receiving stations are part of the private branch exchange network. This is supported in the specification at page 1, line 30, through page 2, line 2, and page 8, lines 14-25. Neither Thornton, Elliott nor the combination thereof teaches the invention as claimed in claims 1 and 13. It is therefore submitted that claims 1 and 13 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2-9 depend from claim 1 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. It is therefore submitted that claims 2-9 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 14-15 depend from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. It is therefore submitted that claims 14 and 15 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 10-12, 16 and 17 are rejected under 35 USC 102(e) as being anticipated by Thornton.

As discussed above, Thornton is directed to interacting with a PBX, while the instant invention is directed to replacing a PBX with a data network. Further, the office action states that the text on column 25, lines 1-60 discusses the transfer of supplementary services information in Thornton. However, the text referred to merely discusses stand-alone call breakdown services, no supplementary service information is shown, taught or suggested.

Claims 10 and 16 have been amended to more clearly show that the network device provides the private branch exchange services, thereby eliminating the need for a PBX. Further, claims 10 and 16 require that the supplementary service information be transferred from one communication device to another, which is not shown, taught nor suggested by Thornton. It is therefore submitted that claims 10 and 16 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 11-12 depend from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. It is therefore submitted that claims 11 and 12 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 17 has been amended as claims 10 and 16 and further to show that the first and second communication devices communicate directly. Even if one were to read the gateways of Figure 12 of Thornton as being the same as the transit node of the instant invention, one could not submit that the supplementary service information is transferred directly from one communication device to the other. It is therefore submitted that claim 17 is patentably distinguishable over the prior art and allowance of this claim is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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